

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-13430 - APPLICANT: GEORGE GEKAKIS, INC. -

OWNER: SOUTHERN TRACE HOLDINGS, LLC, ET AL

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-2/sd/rt vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-13428), Special Use Permit (SUP-13431), Variance (VAR-13429), Waiver (WVR-13432), and Vacation (VAC-13433) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Newly constructed walls should match the existing walls on the overall site in color and materials.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request for a Variance to allow ten-foot perimeter walls where eight feet is the maximum height allowed for a Senior Citizen Apartment development on 8.98 acres adjacent to the west side of Effinger Lane, approximately 300 feet south of Harris Avenue.

EXECUTIVE SUMMARY

Staff cannot support this request as the hardship requiring relief from Title 19 is self-imposed as the applicant has the option of constructing a wall that meets current standards. Denial is recommended.

BACKGROUND INFORMATION

A) Related Actions

- 07/13/06 The Planning Commission recommended approval of companion items WVR-13432, VAR-13429, SUP-13431, SDR-13428 and VAC-13433 concurrently with this application.
- 07/13/06 The Planning Commission voted 4-2/sd/rt to recommend APPROVAL (PC Agenda Item #21/stf).

B) Pre-Application Meeting

- 03/08/06 Staff informed the applicant of the required landscaping for this type of project. The submittal requirements for the necessary applications were also discussed.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 2.14

B) Existing Land Use

Subject Property: Vacant Lot; Senior Apartments
North: Vacant Lot; Multi-Family Residential; Single Family Residential
South: Nevada Power Substation; Vacant Lot; Multi-Family Residential
East: Single Family Residential; Multi-Family Residential
West: Multi-Family Residential; Commercial Center

C) Planned Land Use

Subject Property: M (Medium Density Residential)
North: L (Low Density Residential); M (Medium Density Residential)
South: PF (Public Facilities); SC (Service Commercial); M (Medium Density Residential)
East: L (Low Density Residential); M (Medium Density Residential)
West: M (Medium Density Residential); SC (Service Commercial)

D) Existing Zoning

Subject Property: R-E (Residence Estates) under ROI to R-3 (Medium Density Residential)
North: R-E (Residence Estates); R-3 (Medium Density Residential)
South: C-V (Civic); R-E (Residence Estates); R-3 (Medium Density Residential); R-PD16 (Residential Planned Development – 16 units per acre)
East: R-E (Residence Estates); R-3 (Medium Density Residential)
West: R-3 (Medium Density Residential)

E) General Plan Compliance

The subject property is located in the Southeast Sector of the General Plan and has a land use designation of M (Medium Density Residential). This designation allows up to 25 units per acre and a variety of multi-family housing options. The underlying zoning of R-3 (Medium Density Residential) is compatible with the land use designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	6,500 SF	8,276.4 SF	Y
Min. Setbacks			
• Front	20 Feet	26 Feet, 4 Inches	Y
• Side	15 Feet	15 Feet	Y
• Corner	5 Feet	N/A	Y
• Rear	20 Feet	20 Feet	Y
Max. Building Height	3 Stories / 40 Feet	4 Stories / 47 Feet, 1 Inch	Y
Trash Enclosure	Gated, Roofed, and Constructed of a similar material to the main structure	Interior to the building	Y
Mech. Equipment	Fully Screened	Not indicated on site plan*	N/A

The subject property does not meet current standards for side setbacks based on Residential Adjacency Standards, but it does comply with the development standards for typical R-3 developments. Residential Adjacency is discussed in more detail below. Additionally, the table indicates that the height of the structure exceeds the height allowed for this type of development. However, senior housing developments may exceed the maximum height allowed with approval of a Special Use Permit per Title 19.04.050. A Special Use Permit (SUP-13431) has been submitted in conjunction with this request. In all other regards, the subject proposal meets all applicable development standards.

*A condition has been added to the Site Development Review (SDR-13428) requiring that mechanical equipment be fully screened from view.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The subject proposal requires a 3:1 ratio from adjacent residential property. At just over 47 feet, the project requires an approximate 142-foot setback where 26 feet, 4 inches is provided. A Variance from this requirement has been submitted.
- b) Building setback. As the subject development abuts property zoned R-E (Residence Estates), a 50-foot setback is required. As this is not provided, Variance from this requirement is also needed and is part of the aforementioned Residential Adjacency Variance.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required			Provided	
		Ratio	Parking		Parking	
			Regular	Handicap	Regular	Handicap
Senior Citizen Apartments	210 Units (including developed portion of site)	.75 Space per Unit	158	6	213	6
TOTAL			158 (including handicap)		213 (including handicap)	

The subject proposal is providing more spaces than are required. Of the 213 provided, 156 are covered spaces. Part of the parking will be accommodated on a vacated portion of Poppy Lane.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree / 6 Spaces	1 Tree	0 Trees
Buffer:			
• Min. Trees	1 Tree / 20 Linear Feet	63 Trees	68 Trees
• Min. Zone Width	15 Feet		5 Feet
• Wall height	8 Feet		10 Feet

The subject proposal does not meet all current standards for landscaping. Specifically, a tree is required in the parking area and is not provided. It should be noted that much of the parking is covered, negating the need for much of the parking area landscaping that is typically required of developments of this type. Additionally, the buffer width is not as wide as required by Title 19 standards (five feet provided where 15 feet are required). However, a waiver of the perimeter landscaping has been requested.

Wall heights exceed current Title 19 standards by two feet. The applicant indicates that the wall type (color and material), if approved, will match the existing wall surrounding the developed portion of the site.

B) General Analysis and Discussion

Ten-foot walls exceed the maximum screen wall height allowed by Title 19 by two feet. While the applicant cites safety and security as the primary reason for the proposed height, Staff cannot make a finding that the hardship created is not self-imposed. A condition has been added above to insure that the newly constructed wall matches the existing wall around the previously constructed portion of the site in color and material. As such, the requirement that the wall be of 20% contrasting materials will not apply for aesthetic continuity purposes.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing a wall that exceeds the height allowed by Title 19. Alternative design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 11

ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

NOTICES MAILED 187 by City Clerk

APPROVALS 0

PROTESTS 0